

Entered - 12-1-00- sb
CL - 01L0738 ALEXIS HOLMES

CLAIM OF: NAYMON MCDANIEL
Through his attorney,
Russell G. Keener
1612 Northeast Expressway
Atlanta, Georgia 30329

01-2-1535

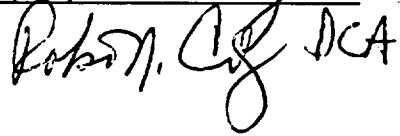
For damages alleged to have been sustained as a result of personal injuries due to a vehicular incident on September 18, 1999 at Interstate 75 South and Martin Luther King, Jr. Drive.

THIS ADVERSE REPORT IS APPROVED

BY:



ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY


Robert M. C. J. DCA

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0738

Date: 9/11/01

Claimant /Victim NAYMON MCDANIEL

BY: (Atty)(Ins.) Russell G. Keener

Address: 1612 Northeast Expressway Atlanta, Georgia 30329

Subrogation: X Claim for Property damage \$ _____ Bodily Injury \$ Unspecified

Date of Notice: 11/30/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____

Date of Occurrence 9/18/99 Place: Interstate 75 South and Martin Luther King Jr., Drive

Department Police Division: Field Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that he sustained injuries while being transported to the City jail when another vehicle crossed into the path of the City vehicle causing the City driver to swerve suddenly to avoid the collision. There was no negligence on the part of the City employee in causing this accident. Furthermore, the claimant failed to file his claim in a timely manner as set forth under O.C.G.A § 36-33-5, the six months statute of limitations expired prior to receipt of his claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Other _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver None Claimant Driver None

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months X Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 09-12-01

Committee Action: _____ Council Action _____

*Daniel,
protect as a
claim*

KEENER & ASSOCIATES
ATTORNEYS AT LAW

1612 NORTHEAST EXPRESSWAY
ATLANTA, GEORGIA 30329
(404) 329-6310
FAX (404) 329-6320

October 11, 2000

*Holmes
11/30/00
[Signature]*

ENTERED - 12-1-00 - SB
00L0738 - ALEXIS HOLMES

Officer C. W. Heuer
Atlanta Police Department, Zone II
2581 Piedmont Rd., NE
Atlanta, Georgia 30324

RE: Accident Report

CICA No. : 99/261/2359
Date of Report: September 19, 1999
Date of Loss : September 18, 1999

Dear Officer Heuer:

This office represents NAYMON MCDANIEL, for alleged injuries he received while being transported to City Jail in September of 1999. While transported, a traffic incident occurred with city vehicle #21796 and another vehicle. The vehicle driven by Ms. Nakisha Morris crossed two lanes of traffic and into the path of city vehicle #21796. Although no contact between the vehicles were made, Mr. McDaniel and the other two prisoners complained of various pain in their shoulders and back. Later that day, Mr. McDaniel was transported and treated at Grady Hospital.

We've been in contact with Progressive Insurance, the liability carrier for Mr. Nakisha Morris. They are hesitant about paying for any of his medical bills, because there was no contact made between both vehicles.

We would like the opportunity to speak with you about the accident in question and ask that you contact this office at your earliest convenience. I've enclosed a copy of the accident report for your review.

Thank you for your time and consideration in this matter. We look forward to hearing from you.

Sincerely,

MCSullivan

Melissa C. Sullivan
Legal Assistant to Russell G. Keener

/mcs

enclosure

Incident Report No. 992612359

01-*R*-1535